

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

BERKELEY PREPARATORY SCHOOL, INC.

and

Case 12-CA-136348

KATHI GRAU

ORDER¹

Respondent Berkeley Preparatory School, Inc.'s Motion for Summary Judgment is denied. The Respondent has failed to establish that there are no genuine issues of material fact warranting a hearing and that it is entitled to judgment as a matter of law.²

Dated, Washington, D.C., May 6, 2015.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² Regarding the Respondent's motion for summary judgment because the Board lacks jurisdiction – based on the Respondent's status as a religiously affiliated educational institution – Member Miscimarra would find that the Respondent's motion and the accompanying affidavits and documentary evidence are sufficient, under Sec. 102.24(b) of the Board's Rules and Regulations, to warrant issuance of an order directing the General Counsel to show cause why the Respondent's motion should not be granted; and at a minimum, the General Counsel (instead of making conclusory arguments to the effect that the Respondent's evidence is "one-sided" and "a full presentation of evidence from all parties must be permitted") should be required to identify *what* disputes exist, if any, between the alleged material facts known to the General Counsel and those identified in the Respondent's motion and accompanying material in relation to jurisdiction.